

Melick, et al.

Attorney Docket No. P04409US01

REMARKS**OVERVIEW**

Claims 1-4, 19, 21-28, 30, 31, 38-43, 45-57, 49, 50, and 57-61 are pending in this application. Claims 1, 21, 28, 38, 47, and 58 have been amended. The present response is an earnest effort to place all claims in proper form for immediate allowance. Reconsideration and passage to issuance is therefore respectfully requested.

ISSUES UNDER 35 U.S.C. § 102

Claim 1-4, 19, 21-28, 30-31, 38-43, 45-47, 49-50, and 57 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5, 050,189 to Cox et al. Claims 1, 21, 28, 38, and 47 have been amended. The Examiner has indicated that the Examiner does not consider the term "transmission pulse" to differentiate between a pulse that is part of a continuous signal or one that is not (Office Action, page 5, numbered paragraph 5). Therefore claims 1, 21, 28, 38, and 47 have been amended to require that the transmitting or transmission is "without using a carrier signal to transmit the transmission pulse." It is also submitted that these rejections must be withdrawn. Cox is directed toward a transceiver for a LAN. Cox discloses converting a multiple bit digital input signal into a pulse-like analog signal which is amplitude and phase modulated (Abstract). Note particularly that Cox's analog signal is a continuous signal which is clear from Figures 2 and 10. Thus, this rejection to claims 1, 21, 28, 38, and 47 must be withdrawn. As claims 2-4 depend from claim 1, claims 22-27 depend from claim 21, claims 30-31 depend from claim 28, and claims 39-43 and 45-46 depend from claim 38, these rejections should all be withdrawn.

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With respect to claims 19 and 57, it is observed that claim 19 requires "repeating a transmission of the variable duration pulses over the fiber optic cable in the direction of the receiver". It is further noted that claim 19 is directed towards "a method of storing data on a fiber optic cable." Clearly Cox is not directed towards a method of storing data on a fiber optic cable. Nor does the Examiner indicate where in Cox that the Examiner finds the disclosure of "repeating a transmission of the variable duration pulses over the fiber optic cable in the direction of the receiver" as required by claim 19. Therefore this rejection to claim 19 must be withdrawn.

With respect to claim 57, claim 57 is directed towards "a method of storing data on a transmission medium" and requires "repeating the transmission of the variable characteristic pulses over the transmission medium in the direction of the receiver." The Examiner does not indicate where in Cox the Examiner finds this disclosure. Therefore, it is respectfully submitted that this rejection to claim 57 must also be withdrawn.

Claims 58-61 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,700,939 to McCorkle et al. It is further submitted the Examiner has failed to indicated where in McCorkle et al. that the Examiner finds disclosure of transmission "over a guided medium" as required by claim 58. However, to clarify, claim 58 has been amended to now require transmission "over a guided medium to a receiver." McCorkle is clearly directed towards radio communications as opposed to transmissions over a guided medium. Therefore it is respectfully submitted that this rejection to claim 58 must be withdrawn. As claims 59-61 depend from claim 58, these rejections must also be withdrawn.

This is being filed with a Request for Continued Examiner (RCE) for which transmittal is attached. This is also a request under the provision of 37 CFR § 1.136(a) to extend the period for filing a response in the above-identified application for two month from June 21, 2005 to August

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21, 2005. Applicant is a small entity; therefore, please charge Deposit Account number 26-0084 in the amount of \$225.00 for one month to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to Deposit Account 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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